

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MELANIE M. ANDREWS,

Defendant.

Case No. CR05-5380FDB

ORDER DENYING MOTION FOR  
REDUCTION OF SENTENCE


Defendant Melanie Andrews asserts that “I am not getting credit for the time I spent awaiting my sentencing, i.e.: from April through September 2006.” There is no dispute that she was in custody in this District from April 4, 2006 to her date of sentence, September 1, 2006. While she was in custody awaiting sentencing in this Court, she still had five months remaining on her state sentence, following which she would begin her federal sentence. Defendant was credited with the five months of custody awaiting her federal sentencing to the remaining five months custody on her state sentence. (See Memoranda from Probation Officer Matt McDaniel and Bureau of Prisons Staff Attorney Margaret Ogden attached to the Government’s response.)

Terms of imprisonment imposed at different times are consecutive unless the court orders them to run concurrently. Title 18 U.S.C. § 3584. At sentencing, Defendant’s counsel urged that

1 her federal sentence be reduced by the length of her state term, but the Court declined. The fifteen  
2 months imposed was at the bottom of the Guideline range, and a sentence below that would be a  
3 departure. Neither the presentence report nor the Court's judgment found a basis for departure.  
4 Therefore, the Court finds Defendant's motion to lack merit.

5 NOW, THEREFORE, IT IS ORDERED: Motion to Amend Judgment (to reduce sentence)  
6 [Dkt. # 35] is DENIED.

7 DATED this 30<sup>th</sup> day of April, 2007.

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10 FRANKLIN D. BURGESS  
11 UNITED STATES DISTRICT JUDGE  
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